

**LAND AUTHORITY GOVERNING BOARD
AGENDA ITEM SUMMARY**

Meeting Date: June 21, 2006

Division: Land Authority

Bulk Item: Yes ☐ No ☒

Staff Contact Person: Mark Rosch

Agenda Item Wording: Approval of an interlocal agreement with the Village of Islamorada authorizing conveyance of the Wet Net property to the Village.

Item Background: The proposed interlocal agreement calls for the Land Authority to purchase the Wet Net property, impose deed restrictions, and then transfer property title to the Village of Islamorada. The proposed deed restrictions are similar to those imposed when the Land Authority has transferred affordable housing sites to the BOCC.

The Village Council is scheduled to consider approval of the agreement on June 8, 2006.

Advisory Committee Action: On May 24, 2006 the Committee voted 4/0 to authorize conveyance of the Wet Net property to the Village using the proposed deed restrictions. As an optional item, the Committee suggested that the Board consider adding a provision to the deed restrictions whereby the Village would be responsible for paying the Land Authority's attorney fees in the event an enforcement action was required.

Previous Governing Board Action: On December 15, 2004 the Board approved an earlier version of a proposed interlocal agreement which was never approved by the Village Council.

Contract/Agreement Changes: Relative to the December 15, 2004 version, the proposed deed restrictions have been simplified to follow the minimum requirements of the Land Authority statute and to follow the form of recent conveyances to the BOCC. The Village will be responsible for determining the type of housing, number of units, location of development, and compliance certification methods. The statutory reference is more generic to accommodate the legislature's pending change to affordable income levels.

Staff Recommendation: Approval

Total Cost: \$ N/A

Budgeted: Yes ☐ No ☐.

Cost to Land Authority: \$ N/A

Source of Funds: N/A

Approved By: Attorney X County Land Steward ☐.

Executive Director Approval: Mark J. Rosch
Mark J. Rosch

Documentation: Included: X To Follow: ☐ Not Required: ☐.

Disposition: _____ Agenda Item _____

MONROE COUNTY LAND AUTHORITY/VILLAGE OF ISLAMORADA
INTERLOCAL AGREEMENT

WET NET PROPERTY

THIS INTERLOCAL AGREEMENT (the "Agreement"), is made and entered into this ____ day of _____, 20____, by and between the Monroe County Comprehensive Plan Land Authority, a land authority established pursuant to §380.0661, Florida Statutes, hereinafter referred to as "Land Authority," and Islamorada, Village of Islands, Florida, a municipal corporation of the State of Florida, hereinafter referred to as "Village."

WHEREAS, the Village incorporated on December 31, 1997 and is located within the Florida Keys Area of Critical State Concern; and

WHEREAS, the Village Council adopted Resolution 03-08-40 nominating the Wet Net property, more particularly described in Exhibit A, for acquisition by the Land Authority; and

WHEREAS, the Village entered into a 380 Agreement establishing a framework for the Land Authority's purchase of the Wet Net property and subsequent conveyance to the Village for development with affordable/workforce housing; and

WHEREAS, the Land Authority has contracted to purchase the Wet Net property in accordance with the 380 Agreement and said real estate transaction is scheduled to close on June 26, 2006; and

NOW THEREFORE, the Village and the Land Authority do hereby agree as follows:

Upon receiving title to the Wet Net property, the Land Authority agrees to immediately transfer said title to the Village. The parties agree the Land Authority's deed into the Village will contain the restrictions shown in Exhibit B. The Village agrees to accept title to the Wet Net property encumbered by said restrictions.

IN WITNESS WHEREOF, the parties, by and through their respective undersigned duly authorized representatives, have executed this Agreement as of the dates below written.

ISLAMORADA, VILLAGE OF ISLANDS, acting by and through its MAYOR, has executed this agreement on behalf of ISLAMORADA, VILLAGE OF ISLANDS this ____ day of _____, 20____.

ATTEST:

ISLAMORADA, VILLAGE OF ISLANDS

(Seal)

By: _____
Village Clerk

Chris Sante, Mayor

Approved for Legal Sufficiency

The MONROE COUNTY COMPREHENSIVE PLAN LAND AUTHORITY, acting by and through its CHAIRMAN, has executed this agreement on behalf of the MONROE COUNTY COMPREHENSIVE PLAN LAND AUTHORITY this _____ day of _____, 20____.

ATTEST:

MONROE COUNTY COMPREHENSIVE
PLAN LAND AUTHORITY

(Seal)

By: _____
Mark J. Rosch, Executive Director

David P. Rice, Chairman

Approved for Legal Sufficiency

Larry R. Erskine

"EXHIBIT A"

Parcel A - A parcel of land on Upper Matecumbe Key, Monroe County, Florida, being a part of Lot 5, according to a map or plat of a subdivision of Government Lots 1, 2 and 3, Section 32, Township 63 South, Range 37 East, and all of Government Lot 1, Section 5, Township 64 South, Range 37 East, made by Geo. L. MacDonald, Civil Engineer, and recorded in Plat Book 1 at Page 41 of the Public Records of Monroe County, Florida, said parcel being "TRACT 2" of Survey of Scarboro & Roberts Tracts according to a map or plat thereof recorded in Plat Book 2 at Page 53 of the said Public Records, said parcel also being a part of the lands described by Deed recorded in Official Records Book 57 at Page 296 of the said Public Records, said parcel being more particularly described as follows:

Beginning at a point on the Northwestern Right-Of-Way line of Old State Road No. 4-A the same being the Southwesterly corner of the said TRACT 2 of Survey of Scarboro & Roberts Tracts, run N 29 degrees 53 minutes 06 seconds W along the Southwesterly line of the said TRACT 2 for 462.45 feet to a point on the Southeasterly Right-Of-way line of State Road No. 5, (U.S. Hwy No. 1) the same being the Northwestern corner of the said TRACT 2; thence run N 46 degrees 09 minutes 22 seconds E along the said Southeasterly Right-Of-Way line for 261.75 feet to the Northeasterly corner of the said TRACT 2, the same being the Northwestern corner of the "Amended Plat of Survey of Edney Parker Property" according to the Plat thereof recorded in Plat Book 2 at Page 114 of the said Public Records; thence run S 30 degrees 01 minute 33 seconds E along the Northeasterly line of the said TRACT 2 and along the Southwesterly line of the said "Amended Plat of Survey of Edney Parker Property", the same being the Northeasterly line of the said Lot 5 according to the said map or plat recorded in the said Plat Book 1, Page 41, for 521.43 feet to a point on the said Northwestern Right-Of-Way line of Old State Road No. 4-A, the same being the Southeasterly corner of the said TRACT 2 and the Southwesterly corner of the said "Amended Plat of Survey of Edney Parker Property"; thence run Southwesterly along the said Northwestern Right-Of-Way line of Old State Road No. 4-A and along an arc of a curve to the right of radius 597.00 feet 101.80 feet to a point of tangency; thence run S 61 degrees 07 minutes 13 seconds W along the said Northwestern Right-Of-Way line for 153.89 feet to the Point of Beginning of the herein described parcel of land.

Bearings hereinabove mentioned are Plane Coordinate for the Florida East Zone and are based on ties to Florida Department of Transportation Second Order Traverse Stations 90-75-A03 and 90-75-A04.

"EXHIBIT A" - continued

Parcel B - That part of Lot 5 according to a Plat of part of Government Lot 1, all of Lots 2 and 3 of Section 32, Township 63 South, Range 37 East and all of Lot 1 of Section 5, Township 64 South, Range 37 East as surveyed for Lee Pinder by G.L. MacDonald and recorded in Plat Book 1, Page 41, Public Records of Monroe County, Florida, described as follows: Commencing at a point on the shoreline of the Atlantic Ocean, 615 feet Northeasterly from the dividing line between Lots 5 & 6 of said Plat, which point is the Southwest corner of Scarboro and Roberts Tracts, according to the Plat thereof, recorded in Plat Book 2, Page 53, of the Public Records of Monroe County, Florida, thence Northwesterly along the Southwesterly line of Scarboro and Roberts Tract, 456.12 feet to a point on the Northwesterly line of the Old Highway and the Point of Beginning of the Tract hereinafter described; THENCE continue Northwesterly on the same course 462.70 feet to the Southeasterly line of State Road No.5, (U.S. #1); thence Southwesterly along the Southeasterly line of State Road No.5, 75.45 feet; thence in a Southeasterly direction parallel to the Southwesterly line of Scarboro and Roberts Tract 445 feet more or less to the Northwesterly line of the Old Highway; thence Northeasterly along Northwesterly line of the Old Highway 74.01 feet to the Point of Beginning; containing .77 acres more or less.

Parcel C - Part of Lot 5 of MacDonald's Subdivision, according to the Plat thereof, as recorded in Plat Book 1, at Page 41, of the Public Records of Monroe County, Florida, more particularly described as follows: From a point of the intersection of the Southeasterly Right-Of-Way of Overseas Highway and the line dividing Lots 4 and 5 of said Subdivision, proceed in a Southwesterly direction along said Southeasterly Right-Of-Way of Overseas Highway for a distance of 413.07 feet to the Point of Beginning, said Point of Beginning being the Northwesterly corner of the property herein described and the intersection of the Northeasterly boundary of Meinzinger Art Colony Subdivision, according to the Plat thereof, as recorded in Plat Book 2, at Page 84 of the Public Records of Monroe County, Florida, and the Southeasterly Right-Of-Way of said Overseas Highway. From said Point of Beginning turn left through an angle of 75 degrees 58 minutes and proceed in a Southeasterly direction at Northeasterly boundary of said Meinzinger Art Colony Subdivision a distance of 427 feet more or less, to the Northwesterly Right-Of-Way line of the Old Overseas Highway (State Road No. 4-A); thence in a Northeasterly direction along the Northwesterly Right-Of-Way of said Old Overseas Highway a distance of 74.27 feet to a point; thence in a Northwesterly direction along a line parallel to the Southwesterly boundary of the property herein described a distance of 445 feet, more or less, to the Southeasterly boundary of the Right-Of-Way of the Overseas Highway; thence in a Southwesterly direction along the Southeasterly Right-Of-Way of said Overseas Highway a distance of 76.00 feet to the Point of Beginning.

EXHIBIT B

AFFORDABILITY COVENANTS

1. Term. These affordability covenants are perpetual, run with the land, and are binding on all present and subsequent owners and mortgagees.
2. Property Use. Use of the property shall be restricted to the provision of affordable housing as defined in section 380.0666(3), Florida Statutes, as said statute may be amended from time to time.
3. Monitoring. Grantee is responsible for ensuring compliance with the affordability covenants contained herein and expressly agrees to furnish, upon Grantor's request, written certification thereof.